

21 March 1972

MEMORANDUM FOR THE RECORD

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SUBJECT: Conversation with [REDACTED] re his Draft Testimony
Before Senate Foreign Relations Committee on S. 2224

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1. Today I met with [REDACTED] on the above subject (his testimony on the Cooper bill, which would require that intelligence information be made freely available to the Congress). I said our concern with this bill fell into two main categories: the constitutional issue of separation of powers between Legislative and Executive; and the practical issue of protecting intelligence sources and methods. I observed that we could hardly expect [REDACTED] to be our lawyer on the constitutional issue, and moreover I doubted that the Committee would be receptive to a lecture on the limitations of their constitutional authority. However, I said in view of his broad experience in the intelligence business I thought [REDACTED] could indeed very usefully point out some practical considerations concerning the protection of sensitive intelligence sources and methods.

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2. In line with this I brought out the following points:

a. Our fiduciary relation with sensitive sources who, rightly or wrongly, would tend to run for cover if it became known that material obtained from them was being made available to the Legislative Branch.

b. The vulnerability of technical sources to technical countermeasures or political restraints.

c. The practical problems of maintaining any sort of security discipline on Capitol Hill.

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d. The danger that, by injecting national estimates into the political arena, the entire intelligence process might be "politicized" with resulting damage to the integrity of the intelligence product and the sense of independence and security of the intelligence analysts.

e. The fact that the Director had never failed to respond to a congressional committee on matters within his competence and within the committee's jurisdiction.

f. The fact that the Joint Committee on Atomic Energy, because of its special legislative status and security procedures, make it an unrepresentative example of how security matters may be handled in congressional committees.

g. The necessity for emphasizing the importance of the "need to know" principle in the Congress, as well as the Executive Branch, if costly security breaches are to be avoided.

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3. [REDACTED] seemed receptive to most of my suggestions and made notes on his manuscript which he said he would develop into revisions of the existing draft when he prepares his final text. He agreed completely with my suggestion that he emphasize the importance of maintaining a strict "need to know" policy in the handling of intelligence material on the Hill, rather than the across-the-board dissemination implied in the present version of the Cooper bill.

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[REDACTED]
JOHN M. MAURY
Legislative Counsel

Distribution:

Original - Subject (S.2224 file)

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